

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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**PEDRO FIGUEROA**

**Petitioner,**

**v.**

**Case No. 05C1027**

**LARRY JENKINS**

**Respondent.**

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**ORDER**

On September 26, 2005, Pedro Figueroa filed a petition pursuant to 28 U.S.C. § 2254, asserting that his state court conviction and sentence were imposed in violation of the Constitution. Subsequently, respondent filed an answer and this court established a briefing schedule. On January 31, 2006, petitioner filed what appeared to be his supporting brief in this court. At the same time, petitioner filed a motion for leave to file a second or successive habeas petition in the Seventh Circuit Court of Appeals. Subsequently, petitioner clarified that his motion for leave to file a second or successive habeas petition should be construed as a motion to amend his habeas petition.

I will allow petitioner to file an amended habeas petition within forty-five days of the date of this order. After petitioner files the amended petition, I will review it pursuant to Rule 4 of the Rules Governing § 2254 Cases to determine whether the state must respond to it and establish a new briefing schedule

For the reasons stated,

**IT IS ORDERED** that petitioner may file an amended habeas petition within forty-five days of the date of this order.

**IT IS FURTHER ORDERED** that petitioner's motion for clarification to briefing schedule and respondent's motion for clarification are **DENIED AS MOOT**.

Dated at Milwaukee, Wisconsin, this 27 day of March, 2006.

/s \_\_\_\_\_  
LYNN ADELMAN  
District Judge